

## **REMARKS**

Reconsideration of this application, as amended, is earnestly requested.

Claims 23-25 and 27-29 have been amended as shown above; claims 1-22 and 30-39 have been cancelled without prejudice; and claims 40-45 have been added:

Claims 23-39 stand rejected under 35 U.S.C. §102(b) as being anticipated by Hamalainen et al. (US 5,729,541). These rejections are respectfully traversed.

Claim 23, as amended, recites:

A method for forming a data frame transmitted from a mobile station to a network for use in a wireless communication system comprising a base station operable to wirelessly communicate with a plurality of stations, the method comprising;

forming a header portion and a data portion;

assigning a first field of the header portion to indicate whether the data frame has a request of a time resource for another data transmission while sending data included in the data portion;

assigning a second field of the header portion to identify amount of the time resource requested; and

assigning a third field of the header portion to contain control information needed to process the data portion.

Hamalainen relates to the transmission of packet data having flexible variable rate reservation access for TDMA based cellular systems. Specifically Hamalainen teaches allocating channels for transmission of data from a mobile station in a downlink (see, col. 7: 34-35, "The P and PAG time slots share the downlink control channel.") Claim 1 is directed to a data frame transmitted from

a mobile station to a network requesting a reservation of time resources, an uplink transmission.

Hamalainen also teaches that, after a free channel is found, an access burst (channel request) is transmitted in an I slot (information slot) in the uplink. See, col. 8: 35-40 (“Referring to Fig. 10. A mobile station which has data in its buffer and wants to send it monitors the control bursts sent in the downlink C time slots. Monitoring is continued until the bitmap shows that an uplink channel is marked idle. As soon as the idle channel is found, an access burst (channel request) according to FIG. 10 is transmitted in an I time slot marked idle.”) Data transmitted in an I slot is not data transmitted in a header. Claim 23 requires “forming a header portion and a data portion.” Hamalainen does not form a header portion; instead Hamalainen transmits a channel request in a data slot, not a frame header.

Applicants have amended claim 23 in which the method for forming a data frame now includes the limitation of “assigning a third field of the header portion to contain control information needed to process the data portion.” The third data field of the header is used to indicate whether the data frame is one of a plurality of data frames or is a retransmission of an earlier data frame (see, claims 24 and 25.) Hamalainen does not teach a header, much less a header having three fields, the third of which contains control information for processing the data, and the applicant believes independent claim 23 is not anticipated by Hamalainen.

Independent claim 27 and dependent claims 28-29 have been similarly amended and are patentable over Hamalainen.

Claims 40-45 have been added to claim different aspects of the invention, but independent claims 40 and 43 recite limitations similar to the limitations of claim 23 as discussed above. For at least this reason, claims 40 and 43 should be allowable over Hamalainen

As set forth in MPEP 2131, to anticipate a claim, the reference must teach every element of the claim. Since, as discussed above, every element of independent claims 23, 27, 40, and 43 is not taught by Hamalainen, applicants submit that these claims are not anticipated by Hamalainen and are therefore patentable. Additionally, claims 24-26, 28-29, 41-43, and 44-45 are patentable at least by virtue of dependence upon a patentable independent claim.

### **CONCLUSION**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain at issue which the Examiner feels may be best resolved through a telephone interview, the Examiner is kindly invited to contact the undersigned at (213) 623-2221.

Respectfully submitted,  
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